

Planning and Zoning Commission
March 24, 2020

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, March 24, 2020 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX

Members Present: Rick Keeler, Chairman
Melissa Ballard, Vice Chairman
Bonney Ramsey
Jim Phillips
David Hudgins

Members Absent: Betty Square Coleman
Erik Test

Others Present: Shon Brooks, Director of Planning
Macey Martinez, Graduate Engineer (by phone)
Tommy Ludwig, Assistant City Manager
Amber Villarreal, Assistant City Secretary

1. **Call to Order**
2. **Invocation**

Chairman Rick Keeler called the meeting to order and gave the invocation. Chairman Keeler did a roll call for Commission members in physical attendance: Rick Keeler, Melissa Ballard, Bonney Ramsey, Jim Phillips, and David Hudgins. There were no members in attendance by phone.

3. **Public Comments**

None

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of March 10, 2020
- b. Minutes of the Planning and Zoning Commission briefing of March 10, 2020

Action:

Ms. Bonney Ramsey moved to approve items a. and b. on the Consent Agenda. Vice Chairman Melissa Ballard seconded, All Ayes.

5. **Public Hearing on a request by Jimmie L. Hutton for a Specific Use Permit (SUP) for a Used Auto Sales use within a Planned Development-35-Commercial zoning district located at 2004 Howard Road, Suite C (Property ID 175299) – Owner: Waxahachie Flea Market (ZDC-000025-2020)**

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue ZDC-000025-2020 to the April 14, 2020 Planning and Zoning Commission meeting.

6. **Consider recommendation of Zoning Change No. ZDC-000025-2020**

Action:

Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Jimmie L. Hutton for a Specific Use Permit (SUP) for a Used Auto Sales use within a Planned Development-35-Commercial zoning district located at 2004 Howard Road, Suite C (Property ID 175299) – Owner: Waxahachie Flea Market (ZDC-000025-2020) to the April 14, 2020 Planning and Zoning Commission meeting. Mr. David Hudgins seconded, All Ayes.

- 7. Consider request by Bobby Samuel, GRBK Edgewood LLC, for a petition to extend approval for 2 years of PP-17-0171 Dove Hollow for 653 residential lots and 17 open space lots, being 213.536 acres situated in J.W. Wright Survey, Abstract No. 1182 (Property ID 192636, 192643, 192639, 192645) – Owner: CEH 212 LP (SUB-000026-2020)**

Chairman Keeler announced the applicant requested to withdraw SUB-000026-2020.

- 8. Public Hearing on a request by Juan Quiroz, J Homes Enterprise LLC, for a Replat of Lot 3, Block 63, Town Addition to create Lots 1-2, Block A, Quiroz Addition, 0.670 acres (Property ID 170916) – Owner: J Homes Enterprise LLC Series F (SUB-000003-2020)**

Chairman Keeler opened the Public Hearing.

Planning Director Shon Brooks presented the case noting the applicant is requesting a replat that would separate the existing lot into 2 separate lots for residential use per the infill overlay district regulations and staff recommended approval as presented.

There being no others to speak for or against SUB-000003-2020, Chairman Keeler closed the Public Hearing.

- 9. Consider approval of SUB-000003-2020**

Action:

Mr. Jim Phillips moved to approve a request by Juan Quiroz, J Homes Enterprise LLC, for a Replat of Lot 3, Block 63, Town Addition to create Lots 1-2, Block A, Quiroz Addition, 0.670 acres (Property ID 170916) – Owner: J Homes Enterprise LLC Series F (SUB-000003-2020) subject to staff comments. Ms. Bonney Ramsey seconded, All Ayes.

- 10. Public Hearing on a request by Herman R. Smith for a Replat of Lots 2 and 3, Block 7, Dewberry Addition, to create Lot 1, Block A, Herman Addition, 0.479 acres (Property ID 173199 and 173200) – Owner: Herman R Smith (SUB-000019-2020)**

Chairman Keeler opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is combining Lots 2 and 3 of Block 7 of the Dewberry Addition to create one lot in order to construct a single family residence and staff recommended approval as presented.

There being no others to speak for or against SUB-000019-2020, Chairman Keeler closed the Public Hearing.

11. Consider approval of SUB-000019-2020

Action:

Ms. Bonney Ramsey moved to approve a request by Herman R. Smith for a Replat of Lots 2 and 3, Block 7, Dewberry Addition, to create Lot 1, Block A, Herman Addition, 0.479 acres (Property ID 173199 and 173200) – Owner: Herman R Smith (SUB-000019-2020). Vice Chairman Melissa Ballard seconded, All Ayes.

12. Public Hearing on a request by Reginald Coulsell for a Specific Use Permit (SUP) for a Private Stables use within a Planned Development-23-Single Family-1 zoning district located at 3910 Howard Road (Property ID 278236) – Owner: Crystal Taylor and Reginald Coulsell II (ZDC-000027-2020)

Chairman Keeler opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting to amend Ordinance 3010 originally approved by City Council on April 2, 2018 to include the language “As long as the current owner(s) of the property maintain ownership, the SUP is not transferable to a new owner if no private stable is constructed before the property is sold.” He noted staff recommended approval.

There being no others to speak for or against ZDC-000027-2020, Chairman Keeler closed the Public Hearing.

13. Consider recommendation of Zoning Change No. ZDC-000027-2020

Action:

Vice Chairman Melissa Ballard moved to approve a request by Reginald Coulsell for a Specific Use Permit (SUP) for a Private Stables use within a Planned Development-23-Single Family-1 zoning district located at 3910 Howard Road (Property ID 278236) – Owner: Crystal Taylor and Reginald Coulsell II (ZDC-000027-2020) subject to staff comments. Mr. Jim Phillips seconded, All Ayes.

14. Public Hearing on a request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for a Portable Storage Structure or Temporary Building use within a Single Family-2 zoning district located at 411 N Gibson (Property ID 193942) – Owner: Waxahachie ISD (ZDC-000029-2020)

Chairman Keeler opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting to construct a portable temporary building to serve as office space for personnel similar to the temporary portable building that was approved in May 2019. Staff recommended approval per the following staff comments:

1. Planning Department staff has informed the applicant that if the Specific Use Permit is approved, the SUP shall expire and the temporary structures shall be removed, once WISD leaves the property. Also, if the applicant is still occupying the building after two years, staff recommends that the applicant come back to City Council to renew the Specific Use Permit.

Chairman Keeler asked the applicant if additional portable buildings will be needed. Mr. Jacob Perry (phone), 208 Rock Springs Court, explained the district is looking at all options due to the increased growth and noted 32 additional parking spots were added at the Admin Complex.

Tim Avery, 617 W. Parks, expressed concern with adding additional temporary buildings causing the site to look like a mobile home park.

Ernest Barker, 615 W. Parks, expressed concern with the additional temporary building on the site as well noting he doesn't want more than 3 on site.

There being no others to speak for or against ZDC-000029-2020, Chairman Keeler closed the Public Hearing.

15. Consider recommendation of Zoning Change No. ZDC-000029-2020

Action:

Ms. Bonney Ramsey moved to approve a request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for a Portable Storage Structure or Temporary Building use within a Single Family-2 zoning district located at 411 N Gibson (Property ID 193942) – Owner: Waxahachie ISD (ZDC-000029-2020) subject to staff comments. Mr. David Hudgins seconded, All Ayes.

16. Public Hearing on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Two Family Residential Duplex, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner: WAXAHACHIE ISD (ZDC-000017-2020)

Chairman Keeler opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting to create a residential development that allows for 120 townhome lots that includes open space, walking trail, and a Homeowner's Association. He noted the applicant met with surrounding neighborhood residents on February 20, 2020 at Friendship Missionary Baptist Church to discuss the two proposed development ideas. At the conclusion of the meeting, it was determined that the consensus supported the original development of single family homes and townhomes that was presented to the Commission on November 12, 2019. Mr. Brooks noted staff received five letters of opposition for the proposed development. Staff recommended approval per the following staff comments:

1. Per the applicant's request, a Development Agreement will be required for the development.

The Commission discussed density, affordability, and if the development is the best use for the area.

Chairman Keeler noted aesthetically the project looks like single-family homes that they are putting together.

Jeff Crannel, CCM Engineering, explained multiple options were reviewed for this site and after further discussion the townhomes were the best option.

Mr. Phillips asked if the applicant would be willing to add rod iron fencing with masonry columns to the properties that are adjacent to the existing park and the applicant agreed.

Those who spoke in opposition:

Tim Burleson, 301 Peters Street, Waxahachie

Mr. Brooks explained the engineering and drainage issues would be addressed by the development and civil plans would be required.

Mr. David Hudgins expressed concern with additional overflow parking for the development and the applicant noted they would look at additional options.

There being no others to speak for or against ZDC-000017-2020, Chairman Keeler closed the Public Hearing.

17. Consider recommendation of Zoning Change No. ZDC-000017-2020

Action:

Vice Chairman Melissa Ballard moved to approve a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Two Family Residential Duplex, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner: WAXAHACHIE ISD (ZDC-000017-2020).

Mr. David Hudgins amended the motion to include the applicant work with city staff to add 20 or less additional parking spots for overflow parking. Vice Chairman Melissa Ballard accepted the amendment.

Mr. Jim Phillips amended the motion to include adding ornamental iron fence with masonry columns to the lots adjacent to the existing park. Vice Chairman Melissa Ballard accepted the amendment.

Ms. Bonney Ramsey seconded, the vote was as follows: Ayes: Melissa Ballard, Bonney Ramsey, Jim Phillips, and David Hudgins. Noes: Rick Keeler.

The motion carried.

18. Public Hearing on a request by Michael Westfall, Westfall Engineering, to establish a Planned Development-Single Family-3 zoning district on approximately 98.695 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ZDC-000024-2020)

Chairman Keeler opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting a zoning change from Future Development (FD) to Single Family-3 (SF3) to create a single-family residential development. He explained the proposed zoning change is contingent upon City Council approving the proposed annexation case at their April 6, 2020 meeting. He noted the development would consist of 245 dwelling unit lots and 8 open space/common area lots located at the west side of Broadhead Road at Youngblood Road. The lots will be a minimum of 10,000 sq. ft. and homes will be a minimum of 2,200 sq. ft. Mr. Brooks reviewed the following Special Exception/Variance Requests:

Lot Width

Per the City of Waxahachie Zoning Ordinance, SF3 zoning requires a minimum of 80 ft. lot width. The applicant is proposing a minimum lot width of 67 ft.

Setbacks

Per the City of Waxahachie Zoning Ordinance, SF3 zoning requires minimum setbacks of:

Front: 30 ft.

Rear: 25 ft.

Side: 10 ft.; 15 ft. (ROW)

The applicant is proposing setbacks of:

Front: 25 ft.

Rear: 10 ft.

Side: 5 ft.

Staff recommended approval per the following staff comments:

1. The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-000011) for this property.
2. Per the applicant's request, a Development Agreement will be required for the proposed development.
3. Staff suggests that a 6ft. ornamental fence with masonry columns be constructed along Broadhead Rd.
4. Staff suggests that a variation of garages, specifically J-swing and 3-car garages, be incorporated within the residential development.

The Commission expressed concern with the setbacks, cookie-cutter lots, large homes on small lots, and variances from single-family 3 requirements.

Mr. Michael Westfall, Westfall Engineering, noted the minimum home size will be 2,200 sq. ft. but most will be closer to 3,000 sq. ft. He noted the rear setbacks can be changed.

Chairman Keeler asked if all the homes could have side entry garages and Mr. Westfall noted that would be difficult.

Those who spoke in opposition:

Brett Robert, 5089 April Lane, Waxahachie

Tommy Jones, 326 Youngblood, Waxahachie

Scott Diermann, 5100 April Lane, Waxahachie

Brett Daughtrey, 110 Peyton Place, Waxahachie

Tim Burleson, 233 Spring Grove Drive, Waxahachie

April Johnson, 5090 April Lane, Waxahachie

Sharon Dyess, 110 Magnolia Drive, Waxahachie

Bret Massey, 104 Peyton Place, Waxahachie

Karlotta Hannibal, 556 Hay Meadow Drive, Waxahachie

Chairman Keeler asked if the applicant is willing to continue the public hearing until the next meeting in order to address commission and citizen concerns and the applicant concurred.

There being no others to speak for or against ZDC-000024-2020, Chairman Keeler closed the Public Hearing.

19. Consider recommendation of Zoning Change No. ZDC-000024-2020

Action:

Mr. Jim Phillips moved to continue a request by Michael Westfall, Westfall Engineering, to establish a Planned Development-Single Family-3 zoning district on approximately 98.695 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ZDC-000024-2020) to the April 14, 2020 Planning and Zoning Commission meeting. Vice Chairman Melissa Ballard seconded, All Ayes.

20. Public Hearing on a request by Barbara Clark, Hope Clinic, for a Zoning Change from a Single Family-2 zoning district to Planned Development-Commercial, with Concept Plan, located at the SE corner of Farley Street at Coleman Street (Property ID 273695) - Owner: CITY OF WAXAHACHIE (ZDC-000022-2020)

Chairman Keeler opened the Public Hearing.

Due to technical difficulties, staff recommended continuing the Public Hearing to the next meeting.

21. Consider recommendation of Zoning Change No. ZDC-000022-2020

Action:

Vice Chairman Melissa Ballard moved to continue a request by Barbara Clark, Hope Clinic, for a Zoning Change from a Single Family-2 zoning district to Planned Development-Commercial, with Concept Plan, located at the SE corner of Farley Street at Coleman Street (Property ID 273695) - Owner: CITY OF WAXAHACHIE (ZDC-000022-2020) to the April 14, 2020 Planning and Zoning Commission meeting. Ms. Bonney Ramsey seconded, All Ayes.

- 22. Public Hearing on a request by David Hargrove, Legacy Grove Development LLC, for a Replat of Lot 9X, Block A, Lot 20X, Block J, Lot 7X, Block K, Lot 12X, Block L, Lot 9, Block A, Lots 1-8, 10, 11, and 20, Block J, Lots 7 and 8, Block K, and Lots 11 and 12, Block L, Buffalo Ridge Phase IV, to eliminate the HOA open space lots and incorporate into the adjacent single family lots along Garden Valley Parkway and to establish a 5 foot Wall Maintenance Easement, being 26.033 acres (Property ID 276333, 276354, 276371, 274374, 276332, 276334, 276335, 276336, 276337, 276338, 276339, 276340, 276341, 276343, 276344, 276353, 276362, 276363, 276373, and 276372) – Owners: J Houston Homes, Bloomfield Homes LP, and Matthew P and Charity F Kennedy (SUB-000016-2020)**

Chairman Keeler opened the Public Hearing. Due to technical difficulties, staff recommended no action by the Planning and Zoning Commission. He explained the request will be continued to City Council for approval due to the law requiring action within a certain time after plat submittal.

- 23. Consider approval of SUB-000016-2020**

Action:

No action taken.

- 24. Adjourn**

There being no further business, the meeting adjourned at 9:22 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary